

REMARKS

Claims 4-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 6,170,115.

Basically, the Examiner has maintained the rejection because she alleges that claim 4 recites "comprising", which allows for additional layers.

Applicants respectfully traverse the rejection.

Claim 4 recites the transitional phrase "consisting of", and thus excludes additional layers. As noted in the Response filed on May 30, 2007, Tanaka discloses that the cleaning tape can have a structure where an adhesive layer and porous screen are applied to both sides of a tape body. The resulting structure would be porous screen/adhesive layer/tape body/adhesive layer/porous screen. Although such structure has an adhesive layer on one side of the tape body and a porous screen on the other side of the tape body, claim 4 is still not anticipated because it recites the transitional phrase "consisting of", thereby excluding additional layers in the structure.

For at least the above reasons, Tanaka does not anticipate claim 4 or the claims depending therefrom.

In this regard, Applicants' representative contacted the Examiner on October 5, 2007 and pointed out that in the Amendment under 37 C.F.R. § 1.116 filed on May 3, 2006, claim 4 was amended to recite "consisting of" and that an RCE was filed on June 2, 2006 to force entry of the amendment. Applicants' representative also explained that "consisting of" is close-ended, and that "consisting essentially of" is slightly open-ended.

The Examiner indicated that she would have to review the Office Action again. On October 11, 2007, the Examiner advised that she believed our position to be correct (i.e., that "consisting of" is recited in claim 4 and is close-ended). The Examiner advised that a new Office Action would be sent, however, none has been received.

It is submitted that this rejection should not have been maintained, particularly in view of the Examiner's misunderstanding of the meaning of the transitional phrases.

Indeed, the finality of the Office Action is improper and thus, respectfully solicits withdrawal of the finality of the Office Action.

Since Applicants are limited in the action that can be taken after a final rejection as a matter of right, Applicants submit that making the rejection final is improper, and that failing to reopen prosecution under the present circumstances is unfair to Applicants. Applicants should not be prematurely cut off in prosecution of the application. MPEP §706.07. MPEP §706.07 states that "applicant is entitled to a full and fair hearing". This cannot be achieved where the Examiner fails to consider the claim language and properly examine claims.

Accordingly, the withdrawal of the finality of the Office Action dated September 12, 2007, and issuance of an appropriate Action is requested.

Moreover, allowance of claims 4-7 is believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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